IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gunter SCHWARZBAUER ET AL.

Confirmation No.: 9707

Application No.: 10/676,227

Art Unit: 2176

Filed: September 30, 2003

Examiner: Amelia L. RUTLEDGE

For: **AUTOMATIC CONTEXT MANAGEMENT FOR WEB APPLICATIONS WITH CLIENT SIDE CODE EXECUTION**

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. § 41.41

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant submits this reply brief in accordance with 37 C.F.R. § 41.41 in response to the Examiner's Answer mailed June 6, 2008.

REMARKS

Claims 1-31 are pending in the application. Claims 1-12 and 29 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,549,944 to Weinberg et al. ("Weinberg"). Claims 13-28, 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Weinberg and U.S. Patent Publication No. 2002/0062342 to Sidles ("Sidles").

The Examiner contends that Weinberg discloses parsing client-side executable code, as recited by independent claims 1 and 29-31. Particularly, the Examiner relies on the Dynamic Scan feature of Weinberg (Weinberg, col. 23, line 15 – col. 26 line 19, especially col. 24. line 1-33),

which the Examiner contends discloses "scanning dynamic HTML code i.e., client side executable code." (*See* Examiner's Answer, Claim Rejections, page 4). The Examiner further asserts that col. 8, lines 34-52 (especially lines 47-52) "teaches parsing the URLs of a website to derive content objects, including HTML documents, mail messages, Java applets and aglets, audio files, video files and applications." (Examiner's Answer, Response to Argument, page 19). Additionally, the Examiner contends that submitting an HTML form from the client browser to a web server for further processing discloses "code that is executable both on the client and server." (*See* Examiner's Answer, page 20, *citing* Weinberg col. 24, lines 33 - col. 25 line 50).

Appellant respectfully submits that Weinberg neither discloses nor suggests parsing client side executable code, and that the Examiner's basis for this contention is founded on an incorrect understanding of Weinberg and an unreasonably broad interpretation of the claims.

The Examiner continues to confuse web pages that are dynamically generated by the server, as discussed by Weinberg, and "Dynamic HTML" (i.e., DHTML), which is not disclosed or suggested by Weinberg. The Examiner asserts that col. 23, line 15 – col. 26, line 19 of Weinberg discloses parsing DHTML. However, this passage of Weinberg in no way deals with DHTML, but rather discusses "a feature of [Weinberg] which permits the scanning and mapping of dynamically generated Web pages." (Weinberg, col. 23, lines 15-17). Weinberg defines a dynamically generated Web page as "a page that is generated on-the-fly by a Web site" (i.e., server). (Weinberg, col. 23, lines 17-19). Web pages "generated on-the-fly" by a server do not encompass DHTML or any other form client-side executable code.

The Examiner further contends that Weinberg col. 24, lines 1 – 33 are especially relevant to the disclosure of the claim feature "parsing client side executable code." This passage details the process of scanning HTML documents to generate a site map of a Web site and discloses a system that "parses a dynamic page, and adds respective nodes to the map for each outgoing link of the dynamic page." However, a dynamic page is not DHTML or any other form of client-side executable code. Weinberg specifically defines a dynamic page as "a dynamically generated Web page . . . that is generated 'on-the-fly' by a Web site." (Weinberg, col. 23, lines 15-17). Thus,

neither the passages cited by the Examiner, nor any other passage of Weinberg, discloses or suggests parsing client-side executable code, as recited by independent claims 1 and 29-31.

With respect to the Examiner's contention that Weinberg, col. 8, lines 34-52 (especially lines 47-52) "teaches parsing the URLs of a website to derive content objects, including HTML documents, mail messages, Java applets and aglets, audio files, video files and applications," Appellant respectfully submits that **Weinberg is limited to parsing the URL of such content objects and does not disclose parsing the content objects themselves** (e.g., the Java Applets and applications). The passage cited by the Examiner concerns Weinberg's Visual Web Display, which displays a graphical representation (i.e., "site map") of a web site that illustrates each URL as a node and links between URLs as a connection between nodes. URLs that can be mapped by the Visual Web Display can include Java applets and aglets (i.e., client side code). However, mapping URLs that identify client-side executable code does not disclose parsing such code, as required by independent claims 1 and 29-31.

The Visual Web Display and the Scanning Process are separate and distinct modules of the ASTRA system disclosed in Weinberg. The ability of Weinberg to map URLs of client-side executable code in no way discloses or suggests the ability to parse the client-side executable code. Moreover, the Scanning Process and the Dynamic Scan of Weinberg, in which HTML pages are parsed, are specifically limited to scanning static web pages and dynamic web pages, wherein a dynamic page is defined as "a page that is generated on-the-fly by a Web site." (Weinberg col. 23, lines 17-20.) Neither static web pages nor dynamic web pages, as defined by Weinberg, discloses or suggests parsing client side executable code.

Furthermore, Appellant respectfully submits that, contrary to the Examiner's Answer, submitting an HTML form from the client browser to a web server for further processing does not disclose parsing client side executable code. (*See* Examiner's Answer, page 20, *citing* Weinberg col. 24, lines 33 - col. 25 line 50). The Examiner specifically contends that, with respect to Weinberg's disclosure of a client computer initiating a transaction with a server by submitting a

form and dataset, "the form and submission request constitutes code executed by the client that is sent to the server." (Examiner's Answer, Response to Argument, page 20).

An HTML form describes the layout of a web page having user-fillable fields that is displayed within a web browser. In normal use, a user enters data in the form (i.e., fills out the form) and submits the form to a web server as an HTTP request. This submission merely passes the user-entered data to the web-server as part of the HTTP request from the web browser. The form, the dataset, and the submission request, neither alone nor in combination, disclose client-side executable code, much the less parsing client-side executable code. Thus, Weinberg's disclosure of submitting an HTML form does not disclose "a network application having client side executable code" nor "parsing said client side executable code," as recited by claim 1 and similarly recited by independent claims 29-31.

Appellant submits that their Amended Appeal Brief on Appeal Under 37 C.F.R. § 41.37, filed on March 24, 2008, fully addresses all of the grounds for reject and respectfully draws the Board's attention to that document for a full analysis of the errors in the Examiner's rejection.

CONCLUSION

For the reasons set forth above and detailed in Appellant's Amended Appeal Brief on Appeal under 37 C.F.R. § 41.37, the rejections of claims 1-31 should be reversed. Appellant respectfully requests that the application be remanded to the Primary Examiner with an instruction to withdraw the rejections under 35 U.S.C. § 102(e) and under 35 U.S.C. § 103(a), and pass the case to allowance.

Favorable consideration of this Reply Brief is respectfully requested.

Respectfully submitted,

By _____

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